

Law Offices Of
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*Admitted in Michigan Only

FAX TRANSMISSION

RECEIVED

Date: March 3, 2005

To: PCT Legal Office
United States Patent and Trademark Office

Fax: [1] 571-273-0459

From: James D. Miller

Re: Request for Refund
DYNAMIC SEPARATOR
1-37640

3 MAR 2005

Legal Staff
International Division

We are transmitting a total of 9 pages (including cover sheet).
If transmission is not complete, please call 419.874.1100.

COMMENTS:

Please see attached letter and substantiating documents.

Adjustment Date: 03/11/2005 CSMOOT

03/11/2005 CSMOOT 00000002 503156 10523860

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March 3, 2005

Mail Stop: PCT
Attention: PCT Legal Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/523,860
DYNAMIC SEPARATOR
1-37640

Dear Sir or Madam:

We are requesting a refund of deductions from Deposit Account No. 50-3156 in the amount of \$50.00. On February 7, 2005, we filed 35 U.S.C. 371 for entry into the U.S. from PCT application No. PCT/KZ2003/000005 and received Serial No. 10/523,860. Enclosed is a copy of the Transmittal Letter including fees for this filing. We were charged \$250.00 for the small entity search fee, rather than \$200.00. However, we enclosed the International Search Report with our filing and should have only been charged \$200.00.

Enclosed is the following substantiating evidence of the International Search Report being filed with the Request for Entry into the U.S. on February 7, 2005:

1. Copy of Transmittal Letter;
2. Copy of R-card showing assigned Serial No. and evidence of the search report being enclosed;
3. Copy of our Deposit Account Statement where we were incorrectly charged; and
4. Additional copy of the International Search Report.

Please refund the \$50.00 as a credit to our Deposit Account No. 51-3156.

Respectfully,

FRASER MARTIN BUCHANAN MILLER LLC

J. Douglas Miller

JDM/ms
Enclosures

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 1-37640
INTERNATIONAL APPLICATION NO. PCT/KZ2003/000005		INTERNATIONAL FILING DATE 4 August 2003
TITLE OF INVENTION		PRIORITY DATE CLAIMED 19 August 2002
DYNAMIC SEPARATOR		
APPLICANT(S) FOR DO/EO/US MAININ, Burkit; ERMEKOVA, Gulnar; MAININA, Zhanat; MAININA, Zhabet		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: COPY of International Search Report PCT/ISA/210; return postcard: express mail EV 595656416 US</p>		

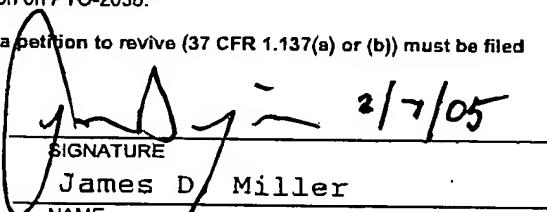
This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 02-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER					
		PCT/KZ2003/000005		1 - 37640					
The following fees have been submitted									
21. <input checked="" type="checkbox"/> Basic national fee.....		\$300		CALCULATIONS PTO USE ONLY					
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....		\$100		\$ 300.00					
All other situations.....		\$200							
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority.....		\$100							
International Search Report prepared and provided to the Office.....		\$400		\$ 200.00					
All other situations.....		\$500							
TOTAL OF 21, 22 and 23 = \$ 900.00									
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	\$					
7 - 100 =	/50 =		x \$250	\$					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).									
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE \$					
Total claims		1 - 20 =		x \$ 50 \$					
Independent claims		1 - 3 =		x \$200 \$					
MULTIPLE DEPENDENT CLAIM(S) (If applicable)				+ \$360 \$					
TOTAL OF ABOVE CALCULATIONS = \$ 900.00									
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. 450.00									
SUBTOTAL = \$									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)). +									
TOTAL NATIONAL FEE = \$									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +									
TOTAL FEES ENCLOSED = \$									
<table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged:</td> <td>\$ 450.00</td> </tr> </table>						Amount to be refunded:	\$	Amount to be charged:	\$ 450.00
Amount to be refunded:	\$								
Amount to be charged:	\$ 450.00								
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50 -</u> In the amount of \$ <u>450.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. <u>3156</u></p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50 -</u> A duplicate copy of this sheet is enclosed. <u>3156</u></p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>									
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.									
SEND ALL CORRESPONDENCE TO:									
 SIGNATURE James D. Miller NAME 46, 932									
REGISTRATION NUMBER									

101523860 07 FEB 2005
S E R I A L N O . 101523860 CASE NO. 1-37640

FILED:

CLIENT:

APPLICANT(S):

THE PATENT OFFICE MAIL ROOM DATE STAMP HEREON ACKNOWLEDGED
RECEIPT OF THE FOLLOWING ITEMS:

Utility

Patent Application (7 pages)
 Drawing(s) (1 sheets)
 Application Data Sheet
 Combined Declaration & POA
 Assignment
 Recordation Cover Sheet & Copy
 Information Disclosure Statement
 IDS Form PTO-1440
 Issue Fee Transmittal & Copy
 Fees \$ 450.00 (check)
 Fees \$ 450.00 (deposit account)



TM/SM Application (Use or ITU)

TM/SM Specimen (1)

Amendment / Response

Declaration of Use & (1) Specimen

Extension of Time

Sections 8 & 15 Affid. & (1) Specimen

TM/SM Renewal

Express Mail Certificate

First Class Mail Certificate

Transmittal Letter & Copy

Postcard

101523860
09865101

Other Transmittal letter under 35 USC #371;
International Search Report Date Filed: 2/7/05
English translation of app

FEB 07 2005



**United States
Patent and
Trademark Office**

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Finance Online Shopping Page

Deposit Account Statement

Requested Statement Month: February 2005
Deposit Account Number: 503156
Name: FRASER MARTIN BUCHANAN MILLER LLC
Attention: MS. MARTHA SLOAN
Address: 132C WEST SECOND ST
City: PERRYSBURG
State: OH
Zip: 43551-1401

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL	
02/01	51	11041571	1-37506	2011	\$150.00	\$6,015.00	
02/01	52	11041571	1-37506	2111	\$250.00	\$5,765.00	
02/01	53	11041571	1-37506	2311	\$100.00	\$5,665.00	
02/01	186	60647039	1-37544	2005	\$100.00	\$5,565.00	
02/01	1344	78244877	1-16304	7004	\$150.00	\$5,415.00	
02/02	156	09677812	1-37380	8021	\$120.00	\$5,295.00	
02/04	7	60647847	1-37608	2005	\$100.00	\$5,195.00	
02/04	114	11015360	1-37236	8021	\$40.00	\$5,155.00	
02/08	968	78562462	1-37432	7001	\$325.00	\$4,830.00	
02/09	4	78562803	1-37527	7001	\$325.00	\$4,505.00	
02/09	51	E-REPLENISHMENT		9203	-\$2,810.00	\$7,315.00	
02/11	80	11041571	1-37506	8021	\$40.00	\$7,275.00	
02/11	84	11053144	1-37071	2011	\$150.00	\$7,125.00	
02/11	85	11053144	1-37071	2111	\$250.00	\$6,875.00	
02/11	86	11053144	1-37071	2311	\$100.00	\$6,775.00	
02/14	87	11053614	1-37204	2011	\$150.00	\$6,625.00	
02/14	88	11053614	1-37204	2111	\$250.00	\$6,375.00	
02/14	89	11053614	1-37204	2311	\$100.00	\$6,275.00	
02/14	95	76142543	1-36024	6403	\$100.00	\$6,175.00	
02/15	79	78538402	1-37600	8521	\$40.00	\$6,135.00	
02/15	80	78538402	1-37600	8522	\$25.00	\$6,110.00	
02/15	151	11055393	1-37179	2011	\$150.00	\$5,960.00	
02/15	152	11055393	1-37179	2111	\$250.00	\$5,710.00	
02/15	153	11055393	1-37179	2311	\$100.00	\$5,610.00	
02/15	154	11055393	1-37179	2202	\$100.00	\$5,510.00	
02/15	1216	78567414	1-36836	7001	\$325.00	\$5,185.00	
02/16	300	10523860	1-37640	2631	\$150.00	\$5,035.00	
Search Fee →	02/16	301	10523860	1-37640	2632	\$250.00	\$4,785.00

*Patent Fee**Search Fee* →

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Exam Fee

02/16	302	10523860	1-37640	2633	\$100.00	\$4,685.00
02/17	160	11057947	1-37491	2011	\$150.00	\$4,535.00
02/17	161	11057947	1-37491	2111	\$250.00	\$4,285.00
02/17	162	11057947	1-37491	2311	\$100.00	\$4,185.00
02/18	43	E-REPLENISHMENT		9203	-\$3,000.00	\$7,185.00
02/22	145	60647847	1-37608	8021	\$40.00	\$7,145.00
02/23	41	E-REPLENISHMENT		9203	-\$1,865.00	\$9,010.00
02/23	1313	78572896	1-37585	7001	\$325.00	\$8,685.00
02/24	102	11053614	1-37204	8021	\$40.00	\$8,645.00
02/24	111	11061352	1-37220	1011	\$300.00	\$8,345.00
02/24	112	11061352	1-37220	1111	\$500.00	\$7,845.00
02/24	113	11061352	1-37220	1311	\$200.00	\$7,645.00
02/24	1480	78562462	1-37432	7002	\$100.00	\$7,545.00
02/25	42	E-REPLENISHMENT		9203	-\$3,000.00	\$10,545.00
02/28	5	60655304	1-37632	2005	\$100.00	\$10,445.00
02/28	109	PCT/US05/05304	53-37220	1601	\$300.00	\$10,145.00
02/28	110	PCT/US05/05304	53-37220	1704	\$1,920.00	\$8,225.00
02/28	111	PCT/US05/05304	53-37220	1702	\$1,134.00	\$7,091.00
02/28	112	PCT/US05/05304	53-37220	1703	\$96.00	\$6,995.00
02/28	113	PCT/US05/05304	53-37220	8007	\$20.00	\$6,975.00
02/28	2153	78266398	1-36920	7003	\$100.00	\$6,875.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$6,165.00	\$9,965.00	\$10,675.00	\$6,875.00

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A. CLASSIFICATION OF SUBJECT MATTER

B03B 5/16

According to International Patent Classification (IPC) or to both national classification and IPC MIK-7:

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols) MIK-7:

B03B 5/00, 5/02, 5/10-5/24, 4/00-4/06, B07B 4/00, 4/08

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched.

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 02/13974 A1 (MAININ Burkit et al) 21.02.2002	1
A	SU 1530257 A1 (IRTYNSKY POLIMETALLICHESKY KOMBINAT) 23.12.1989	1
A	RU 2127635 C1 (INSTITUT GORNOGO DELA DALNEVOSTOCHNOGO OTDELENIYA RAN) 20.03.1999	1
A	DB 3308810 A1 (KLOCKNER-HUMBOLDT-DEUTZ AG) 13. 09. 1984	1
A	BERT R. O. Tekhnologiya gravitatsionnogo obogashcheniya, Moscow, "Nedra", 1990, page 207	1

 Further documents are listed in the continuation of Box C. See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

23 October 2003 (23.10.2003)

Date of mailing of the international search report

30 October 2003 (30.10.2003)

Name and mailing address of the ISA/ RU

Authorized officer

Facsimile No.

Telephone No.

Form PCT/ISA/210 (second sheet) (July 1992)

ОТЧЕТ О МЕЖДУНАРОДНОМ ПОИСКЕ

Международная заявка №
РСТ/КZ 03/00005

A. КЛАССИФИКАЦИЯ ПРЕДМЕТА ИЗОБРЕТЕНИЯ:		
B03B 5/16 Согласно международной патентной классификации (МПК-7)		
B. ОБЛАСТИ ПОИСКА:		
Проверенный минимум документации (система классификации и индексов) МПК-7: B03B 5/00, 5/02, 5/10-5/24, 4/00-4/06, B07B 4/00, 4/08		
Другая проверенная документация в той мере, в какой она включена в поисковые подборки:		
Электронная база данных, использовавшаяся при поиске (название базы и, если, возможно, поисковые термины):		
C. ДОКУМЕНТЫ, СЧИТАЮЩИЕСЯ РЕЛЕВАНТНЫМИ:		
Категория*	Ссылки на документы с указанием, где это возможно, релевантных частей	Относится к пункту №
A	WO 02/13974 A1 (МАЙНИН Буркит и др.) 21. 02. 2002	1
A	SU 1530257 A1 (ИРГЫШСКИЙ ПОЛИМЕТАЛЛИЧЕСКИЙ КОМБИНАТ) 23. 12. 1989	1
A	RU 2127635 C1 (ИНСТИТУТ ГОРНОГО ДЕЛА ДАЛЬНЕВОСТОЧНОГО ОТДЕЛЕНИЯ РАН) 20. 03. 1999	1
A	DE 3308810 A1 (KLOCKNER-HUMBOLDT-DEUTZ AG) 13. 09. 1984	1
A	БЕРГТ Р. О. Технология гравитационного обогащения, Москва, "Недра", 1990, с. 207	1
последующие документы указаны в продолжении графы С.		данные о патентах-аналогах указаны в приложении
<p>* Особые категории ссылочных документов:</p> <p>А документ, определяющий общий уровень техники</p> <p>Б более ранний документ, но опубликованный на дату международной подачи или после нее</p> <p>С документ, относящийся к устному раскрытию, экспонированию и т.д.</p> <p>Р документ, опубликованный до даты международной подачи, но после даты изобретаемого прорыва или п.т.д.</p> <p>Т более поздний документ, опубликованный после даты приоритета и предназначенный для коммивояжеров изобретений</p> <p>Х документ, имеющий наибольшее близкое отношение к предмету поиска, пороажающую новизну и изобретательский уровень</p> <p>У документ, пороажающий изобретательский уровень в сочетании с одинаковыми или используемыми документами той же категории</p> <p>Δ документ, являющийся патентом-аналогом</p>		
Дата действительного завершения международного поиска: 23 октября 2003 (23. 10. 2003)		Дата отправки настоящего отчета о международном поиске: 30 октября 2003 (30. 10. 2003)
Наименование и адрес Международного поискового органа Федеральный институт промышленной собственности РФ, 123995, Москва, Г-59, ГСП-5, Бережковская наб., 30/1. Факс: 243-3337, телеграф: 114318 ПОДАЧА Форма РСТ/ISA/210 (второй лист)(июль 1998)		Уполномоченное лицо: Е. Киселева Телефон № 240-25-91